nIN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22160 of 2006

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Dated: October 26, 2006

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Between:

K. Mashanna, S/o. K. Sainna, aged about 54 years,
Occ: Head Constable, CISF, No.751320084,
CISF Unit, BDL Bhanur, Medak District.

… Petitioner

And

The Deputy Inspector General, Central Industrial Security Force (Ministry of Home Affaris) CISF Unit, DSP, Durgapur, Burdwan District, West Bengal State, and another.

… Respondents

Order:

This Writ Petition has been filed questioning the proceedings dated 04-12-2004 issued by the first respondent ordering reduction of pay of the petitioner by one stage, i.e. from Rs.4,900/- to Rs.4,800/- in the time scale of pay for a period of three years and observing that the petitioner will not earn increments of pay during the period of reduction and also postponing his future increments.

2. Certain disciplinary proceedings were initiated against the petitioner and a charge was framed against him, which reads as under:

> " That CISF No.751320084, HC/GD, K. Mashanna of CISF Unit DSP Durgapur had retained quarter in CISF Unit, BDL, Bhanur for a period from 1-6-1997 to 22-8-2001 unauthorizedly and for which a sum of Rs.39,015/- is outstanding for recovery from him and as such the said amount is subjected to be recovered in installment from his montly salary. The said individual was duly informed for recovery and on pretext of not making payment of such outstanding dues, he refused to receive the monthly salary from the month of September, 2003 onwards, in violation of repeated instructions issued to him. The said act on his part exhibited gross indiscipline, misconduct, disobedience of lawful instructions, adamant attitude and unbecoming member of an Armed Force of the union like CISF, Hence, the charge."

3. After conducting enquiry, the impugned order has been passed imposing the aforesaid punishment.

4. Heard learned counsel for the petitioner and Mr. A. Rajasekhar Reddy appearing on behalf of the respondents.

5. Learned counsel for the petitioner submits that the very charge has been framed, as the petitioner did not draw salary for certain period and the punishment imposed on him is totally disproportionate to the gravity of charge.

6. Against the order passed by the primary authority in disciplinary proceedings, there is a remedy of appeal/revision available to the petitioner to the notified appellate authority under the provisions of the Central Industrial Security Force Act, 1968 ('the Act' for brevity).

7. As much as petitioner has a remedy of appeal/revision to the notified appellate authority, there is no special reason to entertain this Writ Petition bypassing the remedy of appeal/revision available to the

petitioner.

8. In the circumstances, without going into merits of the case, I deem it appropriate to dispose of the Writ Petition permitting the petitioner to prefer an appeal/revision to the notified appellate authority against the order dated 04-12-2004 within a period of six weeks from today. On such appeal/revision being preferred, the appellate authority shall consider the same and pass appropriate orders on its own merits within a period of three months from the date of such appeal/revision being filed, without reference to limitation.

9. Subject to the above directions, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 26, 2006
MRR